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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,169	12/06/2000	Daniel R. Henderson	CELL-004CON	6741

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EXAMINER	
WHITEMAN, BRIAN A	

ART UNIT	PAPER NUMBER
1635	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/732,169	HENDERSON ET AL.	
	Examiner	Art Unit	
	Brian Whiteman	1635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,55-76* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,55-76* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Non-Final Rejection

Claims 1, 3-8, and 55-76 are pending.

Applicants' traversal, the amendment to claims 1, 61, 64, 68, and 71, the cancellation of claims 77-80 in paper filed on 10/27/03 are acknowledged and considered.

Double Patenting

The non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time-wise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3, 4, 5, 6, 8, 56, 58, and 59 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 and 9-14 of copending Application No. 10/139,089. Although the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims embrace a replication competent adenovirus having an adenovirus gene essential for replication under transcriptional control of a cell specific transcriptional element.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 2, 3, 4, 5, 6, 61, 62, 63, 67, 68, 69, and 70 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable as that of claims 1, 2, 9, and 17 of US 6,585,968.

Although the conflicting claims in the instant application and patent '968 are not identical, they are not patentably distinct from each other because each invention encompasses an adenovirus comprising an adenoviral gene essential for replication under transcription control of a transcriptional regulatory element.

Claims 1, 3-8, 59, 61, and 67 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable as that of claims 1-31 of US 6,676,935.

Although the conflicting claims in the instant application and patent '935 are not identical, they are not patentably distinct from each other because each invention encompasses the same material and the patent uses the adenovirus vector encompassed in the instant application.

Claims 1, 3-6, 8, 59, 61, and 67 remain rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable as that of claims 1, 3-6, 8-9, and 12 of US Patent No. 5,698,443. The claims from the instant application are unpatentable over claims from US Patent '443 because the claims read on the same adenoviral vector. For example, claim 5, of patent '443 is drawn to an adenovirus vector comprising at least one of the genes E1A, E1B, or E4 under transcription control of a prostate cell specific response element.

Applicants' arguments filed 10/27/03 have been fully considered but they are not persuasive because applicants have not provided a terminal disclaimer.

Claims 1, 3-5, 7, 8, 59, 61-62, 64-69, and 71-76 remain rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable as that of claims 1-5, 12-14, 21-23, and 27-32 of U.S. Patent No. 5,871,726. The claims 1-4, 12-13, 21-23, and 27-32 of patent '726 are drawn to an adenovirus vector comprising an adenovirus gene essential for propagation under transcriptional control of a prostate specific response element, said prostate cell specific response element comprising an enhancer specific for prostate specific for prostate specific antigen and a promoter or the adenovirus described above further comprising a transgene, wherein the transgene under transcriptional control of a prostate specific response element (column 41 and 42, claims 1-3). In addition, the claims of the patent are drawn to an in vitro cell comprising either vector described above (column 43, claims 12-14). Furthermore, the claims of the patent are drawn to a method of propagating either adenovirus vector described above into a tumor cell (column 43, claims 21-22) or a method of suppressing tumor growth comprising introducing the either adenovirus vector described above into a tumor cell (column 44, claims 27-32). The claims 21-23, and 27-32 of patent '726 are drawn to a method of propagating either adenovirus vector described above into a tumor cell (column 43, claims 21-22) or a method of suppressing tumor growth comprising introducing the either adenovirus vector described above into a tumor cell (column 44, claims 27-32).

Although the conflicting claims in the instant application and patent '726, are not identical, they are not patentably distinct from each other because each invention encompasses

the same material and the patent uses the adenovirus vector encompassed in the instant application. The difference between the claims of the instant application and patent '726 is that the application encompasses the adenovirus vector that is used in the methods of patent '726. Therefore, the claims of the instant application and patent '726 are obvious variants of one another.

Applicants' arguments filed 10/27/03 have been fully considered but they are not persuasive because applicants have not provided a terminal disclaimer.

Claims 1, 3-5, 7, 59, 61, 64, 67-68, and 71-76 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 14-16, 18, 20, 23-27, 30, 32, and 37-38 of U.S. Patent No. 6, 197,293. Although the conflicting claims are not identical, they are not patentably distinct from each other.

The claims 1-6, 12, 14-16, 18, 20, 23-27, 30, 32, and 37-38 of patent '293 are drawn to a replication competent adenovirus vector comprising an adenovirus gene under transcriptional control of a probasin transcriptional regulatory element (PB-TRE), wherein the adenoviral gene is essential for replication (claims 1-6 and 23-26) and a host cell comprising the adenovirus vector (claim 16). In addition, the claims of the patent are drawn to the vector described above further comprising a heterologous gene under transcriptional control of PB-TRE (claims 15, 37-38). The claims 14, 18, 30, and 32 of patent '293 are drawn to a method for propagating the vector in cells (claims 18 and 30). The claims of the patent are also drawn to a method of suppressing tumor growth by contacting tumor cells the vector (claims 20 and 32).

Although the conflicting claims in the instant application and patent '293, are not identical, they are not patentably distinct from each other because each invention encompasses the same material and the patents use the adenovirus vector encompassed in the instant application. The difference between the claims of the instant application and patent '293 is that the application encompasses the adenovirus vector that is used in the methods of patent '293. Therefore, the claims of the instant application and patent '293 are obvious variants of one another.

Applicants' arguments filed 10/27/03 have been fully considered but they are not persuasive because applicants have not provided a terminal disclaimer.

Claims 1, 3-5, 56-59, 61-66, and 68-73 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-6, 11, and 37 of US Patent No. 6,254,862. Although the conflicting claims are not identical, they are not patentably distinct from each other.

The claims 1, 3-6, 11, and 37 of patent '862 are drawn to a replication competent adenovirus vector comprising E1A and E1B wherein E1A and E1B are both under transcriptional control of separate alpha fetoprotein transcription elements (AFP-TRE), wherein at least one AFT TRE comprises either an enhancer or a promoter from an AFP gene (claims 1, 3-6) and a host cell comprising the vector described above (claim 11). In addition, the claims of the patent are drawn to a method of suppressing tumor growth in an individual be contacting a tumor cell with the adenovirus vector (claim 37).

Although the conflicting claims in the instant application and patent '862 are not identical, they are not patentably distinct from each other because each invention encompasses the same material and the patent uses the adenovirus vector encompassed in the instant application. The difference between the claims of the instant application and patent '862 is that the adenovirus in patent '862 is a replication competent adenovirus vector comprising two adenoviral genes, which are both under control of an AFP-TRE. Therefore, the claims of the instant application and patent '862 are obvious variants of one another.

Applicants' arguments filed 10/27/03 have been fully considered but they are not persuasive because applicants have not provided a terminal disclaimer.

Claims 1, 3, 4, 7, 8, 56, 57, 58, 59, 61, 62, 63, 65, and 66 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 16, 17 of US Patent No. 6,432,700. Although the conflicting claims are not identical, they are not patentably distinct from each other.

The claims of patent '700 are drawn to a replication competent adenoviral vector for selective cytolysis of a target cell comprising a first adenovirus gene essential for replication under transcriptional control of a first heterologous transcriptional regulatory element (TRE) and at least a second adenovirus under transcriptional control of a second heterologous TRE, wherein the first and second heterologous TREs are cell-specific and an isolated cell comprising the adenoviral vector.

Although the conflicting claims in the instant application and patent '700 are not identical, they are not patentably distinct from each other because each invention encompasses

the same material and the patent uses the adenovirus vector encompassed in the instant application. The difference between the claims of the instant application and patent '700 is that the adenovirus in patent '700 is a replication competent adenovirus vector comprising two heterologous TREs controlling two different adenovirus genes. Therefore, the claims of the instant application and patent '700 are obvious variants of one another.

Applicants' arguments filed 10/27/03 have been fully considered but they are not persuasive because applicants have not provided a terminal disclaimer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 5, 6, and 55-76 are rejected under 35 U.S.C. 102(a) as being anticipated by Hallenbeck et al., (WO 96/17053). Hallenbeck teaches a tissue-specific replication-conditional adenovirus vector comprising a heterologous tissue-specific transcriptional regulatory sequence operably linked to the coding region of a gene that is essential for replication, wherein said coding region is selected from the group consisting of E1a, E1b, E2a, E2b, and E4 coding regions (pages 3, 5-9, 15-17, 31-39, and 46-50). Hallenbeck further teaches that the promoter in the vector is selected from the group consisting of alpha-fetoprotein, DF3,

tyrosinase, CEA, surfactant protein, and ErbB2 promoters (page 10). An isolated tumor cell containing a tissue-specific replicational conditional adenovirus vector, said vector comprising a heterologous tissue-specific transcriptional regulatory sequence operably linked to the coding region of a gene that is essential for replication of said vector, wherein said transcriptional regulatory sequence functions in said cell so that replication of the vector occurs in said cell, wherein said coding region is selected from the group consisting of E1 a E1b, and E2 and E4 coding regions (pages 46-50). A producer cell is provided which contains a virion produced in the cell by replication in the cell of the replication-conditional adenoviral vectors (pages 28, 29 and 46-50).

Claims 1, 3, 4, 6, and 55-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Gregory et al. (US2001/0053768). Gregory teaches a method of treating mammalian cancer cells, comprising administering a replication competent adenoviral vector comprising a therapeutic gene and a disease specific gene regulatory region operationally linked to at least one replication gene wherein the cancer cells activate the tumor specific gene regulatory region causing the adenoviral to replicate (page 7, claim 1). Furthermore, Gregory teaches using the alpha-fetoprotein promoter/enhancer, the carcinoembryonic antigen promoter/enhancer or the tyrosinase promoter/enhancer (page 7, claims 2, 4, 9, respectively). Gregory further teaches that the replication gene used for making the vector in the method described above is a viral E1 genes, E2 gene, or E4 gene (pages 2 and 7, claims 16-18).

Applicants' arguments filed 10/27/03 have been fully considered but they are not persuasive.

With respect to applicants' argument that, "the invention set forth by Gregory requires elements not presented in applicants' claimed invention" and "Applicants invention is directed at replication competent adenovirus, which utilize cell-type specific TRE operably linked to native adenoviral genes and achieve a therapeutic result, which relies upon cytolysis of host cells and is not dependent on expression of foreign genes (See pages 6-7)," the argument is not found persuasive for the following reasons:

The limitation asserted by applicants is from an intended use of the product and does not narrow the scope of the product over the prior art. In response to applicant's argument that "wherein said adenovirus causes selected cytolysis due to replication in said target cell", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The applicants' claims are product claims, not method claims. Furthermore, MPEP 2111.02 states, .. in apparatus, article, and composition claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art." *In re Casey*, 152 USPQ 235 (CCPA 1967); *In re Otto*, 136, USPQ 458, 459 (CCPA 1963). MPEP further states, "Where the claimed and prior art products are identical or substantially identical in structure or compositions, or are produced by identical or substantially identical

processes, a *prima facie* case of either anticipation or obviousness has been established. MPEP 2112.01 states:

> In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). "When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not." In re Spada, 911 F.2d 705, 709, 15 USPQ2]d 1655, 1658 (Fed. Cir. 1990). Therefore, the prima facie case can be rebutted by evidence showing that the prior art products do not necessarily possess the characteristics of the claimed product. In re Best, 562 F.2d at 1255, 195 USPQ at 433. See also Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (Claims were directed to a titanium alloy containing 0.2-0.4% Mo and 0.6-0.9% Ni having corrosion resistance. A Russian article disclosed a titanium alloy containing 0.25% Mo and 0.75% Ni but was silent as to corrosion resistance. The Federal Circuit held that the claim was anticipated because the percentages of Mo and Ni were squarely within the claimed ranges. The court went on to say that it was immaterial what properties the alloys had or who discovered the properties because the composition is the same and thus must necessarily exhibit the properties.).

In addition, claims 59, 65, 72, and 73 recite, "said vector contains a heterologous coding sequence that is expressed from said vector."

Furthermore, the Declaration filed on 3/18/03 under 37 CFR 1.131 has been considered in office action mailed 5/27/03, but is ineffective to overcome the 102(e) reference for the reasons of record in the office action mailed 5/27/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or non-obviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3, 4, 6, and 55 remain rejected under 35 U.S.C. 103(a) as being unpatentable by Gregory et al. (US20001/0053768) taken with Bohinski et al. (Mol Cell Biol, Vol. 14, 1993, abstract), Abe *et al.* (PNAS, Vol. 90, 1993, abstract), Grooteclaes et al., (Cancer Res., Vol. 54, abstract, 1994).

Gregory teaches a method of treating mammalian cancer cells, comprising administering a replication competent adenoviral vector comprising a therapeutic gene and a disease specific gene regulatory region operationally linked to at least one replication gene wherein the cancer cells activate the tumor specific gene regulatory region causing the adenoviral to replicate (page 7, claim 1). Furthermore, Gregory teaches using the alpha-fetoprotein promoter/enhancer, the carcinoembryonic antigen (CEA) promoter/enhancer, or the tyrosinase promoter/enhancer (page 7, claims 2, 4, 9, respectively). Gregory further teaches that the replication gene used for making the vector in the method described above is a viral E1a or E1b gene, E2 gene, or E4 gene (page 7, claims 16-18). However, Gregory does not specifically teach an adenovirus vector comprising an adenovirus gene under transcriptional control of a cell type specific transcriptional response element (TRE), wherein the TRE is selected from the group consisting of a DF3-TRE, a surfactant TRE, and an ErbB2-TRE.

Regarding claims drawn to specific TREs, Abe, Grooteclaes, and Bohinski teach that tissue-specific promoters including DF3, surfactant, and ErbB2 are known in the art at the time the invention was made.

It would have been obvious for one of ordinary skill in the art to have modified the adenovirus vector taught by combining Gregory with taken with Bohinski, Abe, Grooteclaes, to produce an adenovirus vector comprising an adenovirus gene under transcriptional control of a cell type specific transcriptional response element (TRE), wherein the TRE is selected from the group consisting of a DF3-TRE, a surfactant TRE, and an ErbB2-TRE. It would also have been obvious for one of ordinary skill in the art to have constructed and employed the tissue-specific-replication competent adenoviral vectors by using a known tissue-specific promoter operably

linked to a viral gene necessary for adenoviral replication for expressing a cytotoxic gene in a tumor cell-specific fashion in order to target and deliver the cytotoxic gene product to tumor cells. One of ordinary skill in the art would have a reasonable expectation of success in constructing and employing the tissue-specific-replication competent adenoviral vectors, particularly since Abe, Grooteclaes, and Bohinski all teach that tissue-specific promoters including DF3, surfactant, and ErbB2 are known in the art at the time the invention was made and employed for delivery of gene products to targeted cells.

Therefore the invention as a whole would have been *prima facie* obvious to one ordinary skill in the art at the time the invention was made.

Applicants' arguments filed 10/29/03 have been fully considered but they are not persuasive for the reasons set forth under the response to the applicants' traversal for the 102(e) rejection anticipated by Gregory.

Response to Arguments

Applicant's arguments, filed 10/27/03, with respect to 102(e) rejection over Hallenbeck have been fully considered and are persuasive. The rejection of claims 1, 3, 4, 6, and 55-80 has been withdrawn because of the new guidelines for 102(e) over a patent claiming benefit of an international application (OG Notices 14 January 2003) and the cancellation of claims 77-80.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Whiteman whose telephone number is (571) 272-0764.

The examiner can normally be reached on Monday through Friday from 7:00 to 4:00 (Eastern Standard Time), with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, SPE - Art Unit 1635, can be reached at (571) 272-0760.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Scott D. Priebe

Brian Whiteman
Patent Examiner, Group 1635

SCOTT D. PRIEBE, PH.D
PRIMARY EXAMINER